

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	:	Before the Examiner:
Arning et al.	:	Al Hashemi, Sana A.
	:	
Serial No.: 10/044,782	:	Group Art Unit: 2164
	:	
Filing Date: January 11, 2002	:	
	:	IBM Corporation
Title: METHOD, COMPUTER	:	Dept. T81/Bldg. 503
PROGRAM AND DATA	:	P.O. Box 12195
PROCESSING SYSTEM FOR	:	3039 Cornwallis Road
DATA CLUSTERING	:	Research Triangle Park, NC 27709

**REPLY BRIEF UNDER 37 C.F.R. §41.41**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Reply Brief is being submitted in response to the Examiner's Answer dated April 18, 2007, with a two-month statutory period for response set to expire on June 18, 2007.

I. RESPONSE TO EXAMINER'S ARGUMENTS:

A. Response to Examiner's assertion that claims 1-13 are properly rejected under 35 U.S.C. §101, as discussed on pages 6-7 of Examiner's Answer.

As understood by Appellants, the Examiner asserts that claims 1-13 are properly rejected under 35 U.S.C. §101 because Appellants have not established that the claimed inventions of claims 1-13 are useful. Examiner's Answer, pages 6-7. However, Appellants have already established that the claimed inventions of claims 1-13 are useful, such as improving the quality index, determining the quality of a result of a clustering data processing operation, etc.. Appellant's Appeal Brief (1/8/2007), pages 4-9. The claimed inventions of claims 1-13 overcome the disadvantages of prior art embodiments, such as not having objective criterion to compare the results of clustering operations, as discussed in the Background of Appellants' Specification. Appellants' Specification, page 2, line 4 – page 4, line 2. The claimed inventions of claims 1-13 clearly have utility, such as comparing the qualities of clustering results on an objective basis. Appellants' Specification, page 4, lines 6-10. Consequently, the Examiner's basis for rejecting claims 1-13 under 35 U.S.C. §101 is in error.

B. Other matters raised by the Examiner.

All other matters raised by the Examiner have been adequately addressed above and in Appellants' Appeal Brief (1/8/2007) and therefore will not be addressed herein for the sake of brevity.

II. CONCLUSION:

For the reasons stated above and in Appellants' Appeal Brief (1/8/2007), Appellants respectfully assert that the rejections of claims 1-13 are in error. Appellants respectfully request reversal of the rejections and allowance of claims 1-13.

Respectfully submitted,

WINSTEAD P.C.

Attorneys for Appellants

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